

DRAFT

PO Box 200701
Helena MT 59620-0701
(406) 444-318
FAX:406-444-4952
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Governor Judy Martz
PO Box 200801
Helena MT 59620-0801

Dear Governor Martz:

Recreational conflict on Montana's rivers is becoming a more significant issue each year. Conflicts occur between resident and nonresident, guided and non-guided anglers, as well as among anglers, floaters and other recreationists. Adjacent landowners can be affected as well. Conflict on several rivers has reached the point where the public is seeking resolution through various political means.

Senator Swysgood introduced SB 445 in the 1999 legislature in an attempt to resolve angling conflicts between residents, nonresidents and commercial outfitters on the Beaverhead and Big Hole rivers. Although SB445 was ultimately vetoed by Governor Racicot, the passage of a different bill, HB 626, gave the Fish, Wildlife and Parks Commission (commission) the authority to adopt and enforce rules governing recreational uses of public waters for public health, public safety, public welfare, protection of property, and the protection of public resources (Section 87-1-303 MCA).

Following the veto of SB445, Governor Racicot asked the commission to address the angler conflicts on the Beaverhead and Big Hole rivers using the authority from HB 626. The commission authorized the formation of local citizen advisory committees for the purpose of developing management plans and regulations to address recreational conflict on these two rivers. The commission adopted a policy on the development of management plans and regulations (attached) that provided sideboards within which the local working groups could try to fashion their unique solutions.

Two of the sideboards provided by the commission proved difficult to meet. These were: 1) consider the implications of the resolution of a recreational use conflict on other rivers; and 2) insure that any allocation of recreational use of a river does not vest or establish in a person or business any right to continue to have an allocation of recreational use in the future, whether the use is for private purposes or part of a commercial venture. We believe that these two aspects of the recreation conflict issue have implications statewide, which is why the local workgroups could not deal with them effectively. In addition, the advisory groups and commission struggled with issues such as carrying capacity, displacement of resident anglers, transferability of commercial businesses, the rate of increase of resident and non-resident use, and others.

You are aware of the controversy that surrounded the commission's efforts to reach a decision on the recommendations of the Beaverhead and Big Hole advisor groups. You are also aware of the bills

introduced by Senator Tash and Representative Gallus during the last legislature related to this issue. After considerable debate, the commission adopted a biennial rule in February to maintain the status quo on the Big Hole and Beaverhead rivers. The bills were withdrawn by the sponsors, but this issue is far from resolved. In fact, we believe river recreation conflict will be one of the main issues this commission will address during the coming years.

We are requesting your assistance in resolving these conflicts. Specifically, we ask that you create, by Executive Order, a Governor's River Recreation Management Advisory Council (Council) whose principal task will be to address the statewide issues we have identified above. The Council may also address additional statewide issues related to river recreational conflict. The Council would advise the director of the Department of Fish, Wildlife and Parks and the Fish, Wildlife and Parks Commission on measures to address these issues.

We are requesting that you appoint this Council to demonstrate the significance of these recreational conflict issues to your administration. An executive order creating the Council will also express your personal interest in seeing resolution of these issues.

The Council should be composed of up to 15 members, representing a variety of interests including: private citizens; the sporting community; the outfitting industry; conservation interests and affected government agencies. In seeking the advice and participation of all affected interests the Council should solicit ideas and suggestions from representative local groups and may sponsor and facilitate "open houses" and other appropriate public involvement methods.

The Council would exist for a period of two years from the time of its creation with the members serving at your pleasure with the intent of providing information and possibly legislation to the 2003 Legislative Session. Fish, Wildlife and Parks will provide the necessary staffing and operating funds to assist the Council in its work.

Thank you for your consideration of this request.

Sincerely,

Rich Lane, Chairman
Fish, Wildlife & Parks Commission

c: M. Jeff Hagener